



PUBLIC HEALTH  
H & J V & Co. Ltd.

REPORT

TO THE

GENERAL BOARD OF HEALTH

ON A

SECOND INQUIRY

AT

BRIXHAM

IN THE COUNTY OF DEVON.

By ALFRED L. DICKENS, ESQUIRE,

SUPERINTENDING INSPECTOR



LONDON.

By GEORGE F. EYRE AND WILLIAM  
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY  
FOR HER MAJESTY'S STATIONERY OFFICE

1877.

PUBLIC HEALTH ACT

(11 & 12 Vict. Cap. 63.)

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1855.

## NOTIFICATION.

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THE General Board of Health hereby give notice, in terms of section 9 of the Public Health Act, that on or before the 4th day of August next, being a period of not less than one month from the date of the publication and deposit hereof, written statements may be forwarded to the Board with respect to any matter contained in or omitted from the accompanying Report on the Second Inquiry held at BRIXHAM, Devon, with respect to an amendment to be proposed therein.

By order of the Board,

T. TAYLOR, *Secretary*.

*W. H. Lucy*

*Whitchall, 25 June 1855.*

## PUBLIC HEALTH ACT (11 & 12 VICT. c. 63.)

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*Report to the General Board of Health on a Second* BRIXHAM.  
*Inquiry at BRIXHAM, DEVON.* By ALFRED L. DICKENS,  
Esq., Civil Engineer, Superintending Inspector.

MY LORDS AND GENTLEMEN,

*May 21, 1855.*

On the 18th and 19th of October last, by your order, I held a preliminary inquiry into the sanitary condition of the parish of Brixham, Devon, and in November I had the honour of reporting to your Honourable Board thereon. I suggested a boundary as the limit for the application of the Public Health Act to the town, which was not identical with the boundary of the parish itself. According to the 9th section of the Public Health Act, therefore, you were pleased to direct me to visit the parts within the boundaries proposed to be adopted for the purposes of this Act, and (after having given notice) to hear persons desirous of being heard before me upon the subject of such boundaries. This second inquiry was held on Wednesday last.

The following Gentlemen were present at the Meeting :—  
The Rev. J. R. Hogg, the Rev. Thos. Smart, the Rev. Josias Sanders, Messrs. Lakeman, Chilcote, Brooking, Farrell, agent for Sir John Yarde Buller, Duke of Cleveland, Edward Soper, Jas. Turpin, Thos. Honeywell, Jasper Artlett, Jno. Seville, Robert Adams, Hockin, agent for C. Luttrell, Henry Browse, John Underhay, sen., William Hendrick, Joseph Johnson, Benj. Brokenshire; Geo. Buckingham, William Lavers, John Mitchelmore, Samuel Anders, Jno. Tyrer, B. T. Green, R. W. Wolston, Clement Morris, William Clements, Charles Clements, Peter Stone, William Webber, Nicholas Burrridge, Jno. Bovey, junr., Philip Apter, Jno. V. Galley, Jno. Bird, Geo. Matthews, Edward Clark, Jno. Trevy, Christopher Bowden, Jno. Gare, William Maddick, Henry Langler, Jno. Smith, Jno. Ash,



BRISTOL.

Jno. Brown, James Clark, William Deeson, William Smit Henry Dugdale, Robt. Smith, Jno. Elliot, Daniel Prin Fred. Collier, Richard Spragg, Thomas Hamlin, Jno. Martin, Jno. Smerden, Jno. Tully, Jas. Martin, Joseph Tucker, Enoch Goodwin, William Wills, James Pain, Henry Grant, J. H. Barnbury, Thomas Searle, Samuel Fox, Christopher Elliot, C. H. Brooking, Jno. Shears, James Pearce, John Phelps, William Soper, Richard Williams, Thomas Steven Peter Barlow, Joshua Collins, Lieutenant Hoblyn, R. J. Geo. Foggwell, Jno. Searle, Wm. Hazlewood, Edward Vittery, William Murch, and Robert Taylor.

Printed notices of my visit were posted at all churches, chapels, and other public places where such documents are usually affixed. Advertisements were also inserted in the following newspapers:—*The Western Times*, *Wolmer's Exeter Gazette*, and *Trewman's Exeter Flying Post*, all these newspapers circulating in the district to which the inquiry related.

I opened the proceedings by briefly calling attention to the 9th section of the Public Health Act, 1848; I explained that in accordance with the provisions of that section a second inquiry had been directed; and I further called attention to the notification attached to my original Report on the sanitary condition of the town, wherein the General Board give notice that, according to the section of the Public Health Act referred to, any written statements may be forwarded to them with respect to any matter contained in or omitted from the Report on the preliminary inquiry, up to the 21st day of April last, being a period of not less than one month from the date of the publication of such Report. I informed the meeting that, in accordance with this notification, some statements had been received. At the request of Mr. *Thomas Lakeman*, which request was acquiesced in by the meeting, I proceeded to read the same to the meeting.

#### No. 1.

#### COPY of RESOLUTIONS of MEETING of RATEPAYERS.

That it is the opinion of this meeting, that if the Public Health Act be put in force in this parish, according to the recommendations laid down by the Superintending Inspector, it will be a means of entailing an expense ruinous to the rate-payers of the parish; and that if the Public Health Act is to be enforced in the parish it is most unjust to exclude any part of the parish.

That the Superintending Inspector's Report is overdrawn in that he has introduced into his Report the evidence of parties taken at the public meeting held in the Assembly Rooms, Bristol.

on Wednesday the 18th of October last, which evidence might Brixham, then and there have been refuted.\*

That the Chairman be requested to forward a copy of this resolution to Sir Benjamin Hall, Bart., President of the General Board of Health, which resolution was carried by a majority of 63, there being in favour of the resolution 68, against it 5, majority 63.

(Signed) CHARLES BROOKING,  
Chairman.

April 15, 1855.

No. 2.

COPY of LETTER from Mr. *Thomas Lakeman*.

*Brixham, March 22, 1855.*

MY LORDS AND GENTLEMEN,

It appears by the Report of the Superintending Inspector, Alfred Lamerte Dickens, Esq.), on a preliminary inquiry into the sewerage, &c., of the town and parish of Brixham; it is recommended that the Public Health Act be applied to a *part* of the parish, a large portion of it being proposed to be excluded, thereby materially altering the distribution of local burdens under existing laws, without any reason being assigned for such a proceeding, at the same time that, from the tenor of the Report itself, such an alteration is manifestly unjust.

As a proprietor of houses and land situate in that part of the parish proposed to be placed under the operation of the Act, I feel bound, in justice to myself and the owners of property within the proposed boundary, to *protest most strongly* against excluding any part of the parish, on the following grounds, viz. :—

The immediate result of applying the Act to a part of the parish as proposed would be,—

1st. The shifting of at least one half of the present highway rate from the houses and land in the excluded part of the parish to the house property within the boundary, which is the more unjust because the occupiers of *land* being the persons who keep horses and carts, it is for their more immediate benefit that the present highways are kept in repair.

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\* With reference to the statement that the Report is overdrawn, I extract the following paragraph from a letter I have received from one of the principal ratepayers of Brixham:—"I believe if ever there was an inquiry conducted fairly and honourably, your inquiry was; and I look on your Report as a very valuable document, containing a great deal of useful local statistical information, and I for one heartily thank you for the pains you have taken in collecting, compiling, and publishing it."

The only evidence taken after the meeting was that of Mr. Samuel Bowden, surgeon. The business engagements of this gentleman prevented his attending the meeting, and as I heard he was anxious to state what he knew of the sanitary condition of Brixham, I took his evidence, the only time (on the evening of Wednesday, the 19th of October last) I had the pleasure of seeing him. On reference to the printed evidence in my Report, it will be observed that Mr. Bowden corroborates the evidence of Mr. Brooking, another surgeon in the town.

A. L. D.

BRIDHAM.

It is proposed by the Report to exclude landed property amounting to £2,463 18s. 11d. a year, and house property amounting to £294 11s. 8d., such being more than one quarter of the value of the whole parish; and such part containing within it about one seventh of the highways in need of repair, the average annual expense of the highways in that part of the parish for the last five years being £23 13s.; so that if the Public Health Act is applied to a part of the parish as proposed, instead of the highway being maintained as at present at the expense of the whole parish *equally* at a cost of 4d. in the pound, as shown by the Return in page 29 of the Report (taking into account one rate of 3d. in the pound, which was omitted, and which was made March 1849), the same expense would be borne in the following proportions, viz. :—

<i>Without the Boundary.</i>		£	s.	d.
Houses and land,	£2,759 at 2d. in the pound	-	23	0 0
<i>Within the Boundary.</i>				
Land,	2,786l. at $\frac{1}{2}$ d. in the pound	£17	8s.	3d. }
Houses,	4,967l. at 6d. in the pound	£124	3s.	6d. }
				141 11 9
				<hr/> £164 11 9 <hr/>

The whole parish, 10,512l. at 4d. in the pound, £175 4s.

2dly. Whilst the *whole* parish would participate in the anticipated benefits resulting from the operation of the Act, the excluded part would contribute nothing towards it.

It is stated in page 44 of the Report that “preventible disease is sufficiently excessive to produce a large amount of suffering, and cost, not only to the families of the afflicted, *but to the whole body of rate-payers* ;” and of the amount of actual cost of money which it is supposed will be saved to the whole parish by the adoption of the Act, the Tables in pp. 28 and 29 afford something like a basis for calculation.

In page 28 it appears that the poor’s rates for the year ending March 1850 (the year in which cholera prevailed) are stated to have amounted to £2,421 8s. 11½d., whereas in the four following years the amount averaged only £1,798 9s. 0½d., showing an excess in the cholera year of £632 19s. 11d.

In page 29 there is also a remarkable excess in the expenditure on the highways in the year ending March 1850 (the cholera year), the expenditure for that year being £198 14s. 7d., and the average expenditure of the four following years being only £148 5s. 6d., making a difference of £50 9s. 1d., which added to the excess of the poor’s rate, makes together £683 9s.; and if we calculate on a quinquennial visitation of cholera, the actual annual saving in money to the *whole* parish by the adoption of the Act would amount to £136 13s. 9d., or a permanent rate of more than 3d. in the pound, without taking into consideration the occasional visitations of typhus fever and other epidemic diseases; neither:



the advantages to be anticipated confined to a saving of money only, BRIXHAM.  
for when the cholera has visited Brixham, it has extended over the whole parish, as shown in the Tables in pp. 31 and 32.

3dly. It may be inferred from the Report that, if the Act is applied to the whole parish, the rates on the land would not be heavier than they are under existing laws; and the principal part (I may say nearly all of the parish without the boundary) is land.

Besides the highway rate, the whole parish is now liable to assessment under Lord Portman's Act; and in 1852 a rate was made of 9d. on houses and  $2\frac{1}{4}$ d. on lands, although it was not collected in consequence of some informality on the part of the overseer.

The present amount of liabilities on the whole parish for works contemplated by the Public Health Act is therefore,—

Highway rate, 4d. in the pound; under Lord Portman's Act,  $2\frac{1}{4}$ d. in the pound. Total  $6\frac{1}{4}$ d.

By the Report it appears that the estimated cost of the Public Works contemplated by the Act would not exceed  $6\frac{1}{2}$ d. in the pound per annum, such being the average amount of public cost, under the Public Health Act, in places which have already adopted it; and in page 45 the Inspector says, "I have no hesitation in saying the cost \* \* \* would be within the average," &c.

If from the estimated cost  $6\frac{1}{2}$ d. in the pound we deduct the amount of anticipated saving in poors' rate, 3d., it leaves the estimated actual cost to land in the whole parish  $3\frac{1}{2}$ d. only, instead of  $6\frac{1}{4}$ d., to which the whole parish is now liable.

Without saying anything about the benefits which must result to the land by the increase of respectable houses in the town, and from other causes, it will be clearly seen that the Report, which in other respects is, I believe, honest and impartial, is in the proposed boundary unjust and inconsistent with itself; and I therefore hope your Honourable Board will apply the Act to the whole parish or not at all.

I have, &c.,

THOMAS LAKEMAN.

To the General Board of Health,

&c.      &c.      &c.

No. 3.

COPY of LETTER from the Rev. J. R. Hogg.

SIR,

Torquay, April 14, 1855.

As chairman of the committee appointed at Brixham to consider the propriety of adopting the Public Health Act, I beg to make one remark on the Report of Mr. Dickens in accordance with the notification at the beginning of that Report.

It is, that if the Act be applied to Brixham, the area over which the expense should be spread ought to be, in my opinion, the whole parish.

I will not enter into details as to the reasons for this opinion, but merely add that though I am now residing at Torquay, I

BRIXHAM. continue to hold the same property in Brixham which I did before, and that I have no intention of giving it up.

The rates, therefore, levied in the parish will be the same as heretofore. My opinion is formed after 20 years residence in Brixham as a clergyman, during the last few years of which residence I have been obliged, from the absence of laymen, to act as a magistrate.

I remain, Sir,

Yours very obediently,  
(Signed) J. R. HOGG."

T. Taylor, Esq.,  
Secretary to the General  
Board of Health.

No. 4.

COPY of MEMORIAL forwarded to the GENERAL BOARD OF HEALTH by Mr. *Jasper Bartlett*, on the 17th of April 1855.

A Memorial from the owners and occupiers of houses and land in the parish of Brixham, in the county of Devon, to Sir Benjamin Hall, Bart. M.P. President of the General Board of Health, London.

WE, the undersigned owners and occupiers of houses and land in the said parish, the town of which has been recommended by your Superintending Inspector to be put under the operations of the Public Health Act, do after mature consideration respectfully protest against the measure as being entirely unsuited to the general and especially to the financial condition of this town and humbly submit;—

1st. That the petition praying for the preliminary inquiry after lying two months in a public position, and then being carried from house to house, obtained only 135 signatures from 1,220 persons rated to the relief of the poor.

2d. That the Report of your Inspector is overdrawn.\*

3d. That the town of Brixham consists principally of small houses for fishermen and sailors, let at the low rental of from 2s. to 8*l.* per annum. See Report, page 27.

4th. That the parochial rates are already so heavy as to be with difficulty collected, averaging about 4*s.* 6*d.* in the pound, which with 2*s.*, the lowest estimate set down by the promoters of the measure, as sufficient to carry out its provisions, would amount to 6*s.* 6*d.* in the pound, a burthen almost equal to a confiscation of house property.

5th. That the town is usually healthy, and the mortality not excessive, setting aside the inscrutable hand of Providence in the visitation of cholera,† and the casualty of deaths among strangers brought ashore ill, neither of which causes would, we presume, be affected by the operations of the Act.

\* See foot note, page 5.—A. L. D.

† Deducting the whole of the cholera cases (77) in 1849, the average mortality for the seven years ending June 30th, 1853, was upwards of 22 per 1,000.

Lastly. That if the Bill lately introduced by yourself, intituled BRIXHAM.  
 "The Nuisance Removal and Diseases Prevention Act, 1855," should become the law of the land, the provisions of that Act will suit the exigencies of this town, provided there be a clause introduced empowering the Nuisance Removal Committee to procure a proper supply of water for the use of the inhabitants by sinking wells, or by other means, and to keep such sources of supply in repair out of the funds granted them under the powers of the said Act.

Dated Brixham, March 26, 1855.

No. 5.

COPY of LETTER from *G. H. Cutler, Esq.*

SIR,

17 Pall Mall, April 17, 1855.

Through the courtesy of Mr. Dickens I have been favoured with the perusal of a Report made to the Board of Health on the sanitary condition of the town and port of *Brixham Quay*, Tor Bay, and of the agricultural village of Brixham. Having been assured in your letter of 28th November 1853  $\frac{5259}{53}$  that "the works under the Act were intended, not for thinly peopled agricultural districts, but for towns and populous places, and that the rates for the same should be upon those who received direct benefit," I did not think it necessary, in consequence of my *property* and *residence* being a mile and a half from the town under survey, to be present either personally or by deputy; and am surprised to find in the Report a proposal to include both within the boundary liable to be rated for the benefit of the said town, coupled with the omission of other properties which happen to be a *little* more distant. I have, therefore, to repeat my protest against the adoption of the said Report,—

Because my estate is neither in the town of Brixham Quay, Tor Bay, or the village of Brixham, but is situate chiefly on the shores of the British Channel.

Because the evils complained of have been produced by the owners and inhabitants of the said town, in building upon their lands without attention to drains, sewers, &c., and by polluting and damaging in various ways the streams which formerly supplied them with pure water.

Because the said town is in a state of opulence and prosperity, escaping, except for small dwellings, the heavy poor's rates it creates, which are charged to the land, yet seeking to visit the latter with an addition; possessing (as shown in the Report) 15,000 registered tons of shipping, in addition to a great deal of other property, and therefore fully equal to meet the expenses attendant upon making good the deficiencies and omissions in the construction of the houses, with which distant property has no concern whatever.

Because the application for the Board of Health survey was got up by the merchants and clergy of *Brixham Quay*; and the gentry and clergy of the rural village of *Brixham*, together with some ship-owners of the quay, and a very



BRIXHAM.

numerous body of respectable ratepayers, *have petitioned the Board of Health against the project.*

Because the alleged nuisances in *Brixham* are such only as are found in villages of that size, and are rapidly disappearing.

I have to confirm my opinion quoted in the Report, page 24, in reference to the burial ground, which is intramural, being *immediately adjacent* to the houses of *Brixham* on *two* sides and flanked by the vicarage premises on the *third*, situate on slope towards the town, and elevated above it, so that the moisture of decomposition and surface drainage percolates into it. I submit that a parent grave-yard should not continue (particularly under such circumstances) to receive supplies from other distant churches.\*

I have, &c.

*T. Taylor, Esq.*  
§c.    §c.

(Signed)

G. H. CUTLER.

Mr. *Lakeman* reiterated the opinions contained in his statement to the General Board of Health, and expressed his belief that if the recommendation of the Inspector limiting the boundary to the town district, be adopted a large majority of the rate-payers would petition against the application of the Act.

Mr. *Farwell*, agent to Sir *John Yarde Buller* and the Bolton family, objected to the boundary as described. He read an extract from a note he had received from Sir *John Yarde Buller* who mentioned the exact portion of the boundary he objected to. Ultimately, Mr. *Farwell* stated he had no objection to the whole parish being included the Act was applied at all, but that he objected to the exclusion of some landed proprietors while others, whose land was as little benefited, were included. Sir *John Buller* also objected to the source of water-supply suggested in the Report, viz., the "north stream head." He urged that not only he individually, but the inhabitants of Churston generally, would be materially injured if this supply was taken. I explained that the spring in question could not be taken, under the present Public Health Act, without the consent of Sir *John Buller*, inasmuch as it was out of the proposed district; indeed, it was not in the parish of *Brixham* at all. Therefore, before the Local Board could in any way interfere with it, they must have the consent of the proprietors. I further explained that my recommendation

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\* It is stated in the Report on the Preliminary Inquiry that if Mr. Cutler's feeling in this matter coincides with a majority of the ratepayers, the remedy lies under the Interments (beyond the Metropolis) Act.



on this head were merely suggestions. I had mentioned the "north stream head" because it appeared to be the best water, and from its level was available for a gravitating scheme of supply. BRIXHAM.

Mr. *Edward Soper* handed in a protest from *G. H. Cutler*, Esq., against the boundary as suggested in the Report. This protest contained similar statements to those in Mr. Cutler's letter to the General Board printed herewith.

Mr. *Jasper Bartlett* stated,—

"That the memorial was got up and signed on account of the statement made by the President of the General Board of Health, that the Public Health Act, 1848, was working badly ; and that he proposed to introduce a measure to supersede it, which measure he thought would be likely to be better adapted to the general purposes of the country."

Mr. *Bartlett* further stated,—

"That he believed the memorial was intended to convey the wish of some of those who signed it, that the matter of the application of the Public Health Act, 1848, should stand over until the passing of the Public Health and Nuisances Removal Acts now before Parliament."

Messrs. *Browse*, *Brooking*, *Underhay*, and *Webber* supported Mr. *Lakeman's* statement.

The Rev. *J. R. Hogg* explained,—

"That the ecclesiastical boundary the Inspector had referred to in his original Report was only a boundary for Church purposes ; it was in no way a recognised boundary for ordinary parish purposes."

Mr. *Hockin*, agent to Mr. *Luttrell*, contended,—

"That there had been no sufficient reason given why the whole parish should be included within the boundaries for the application of the Public Health Act. But at the same time, he appeared for the purpose of expressing his opinion, that Mr. *Luttrell* would not stand in the way and oppose the application of the Public Health Act to the whole parish. He thought that, when he represented to Mr. *Luttrell* how great and urgent was the necessity for some remedial measures being adopted for the improvement of Brixham itself, that gentleman would not, on the ground of humanity, oppose the application of the Act to the whole parish."

Mr. *R. W. Wolston* supported Mr. *Lakeman's* statement.

BRIXHAM.

After a desultory discussion Mr. *Wolston*, at the suggestion of a considerable number of the gentlemen present, asked me if I had any objection to put the following resolution,—

“That the sense of the meeting be taken on the question of boundaries, whether or not the whole parish shall be included in the district; it being distinctly understood that this meeting be not thereby committed to the adoption of the Act.”

I stated I could have no objection to act on the wish of the meeting, and therefore put the resolution as it was handed to me.

On calling over the names of those who voted, the numbers stood thus :

In favour of the whole parish being included	-	71
Did not vote	- - - - -	3
Absent	- - - - -	11
Total number present at commencement of meeting	- - - - -	85

The boundary I suggested in my Report on the preliminary inquiry was fixed as there described for two reasons :

First, Because I thought, that, from the peculiar local circumstances of the case, the town district within the limits of the ecclesiastical boundary was a fair one as far as it went; but as that boundary excluded a considerable portion of the upper part of Brixham, I proposed to extend it so as to take in all the house property within the town.

Second, Because at an adjourned meeting held on my preliminary inquiry, to discuss the boundary question, it was then strongly urged that to include the whole parish would necessarily incur the most strenuous and important opposition on the part of the landowners without the town district.

As the opposition referred to appears to be now withdrawn, Mr. *Farwell*, the agent to Sir *John Yarde Buller*, the Duke of *Cleveland*, and the Earl of *Sandwich*, all large proprietors in the parish, having expressed his opinion that the Act be applied at all, it ought to be applied to the whole parish; and Mr. *Hockin*, the agent to Mr. *Luttrell*, having stated that he believed no objection would be offered by the gentleman to the whole parish being included I beg now humbly to recommend to your Honourable Board, that the Public Health Act should be applied to the whole parish of Brixham.

I further recommend, that the number of members to BRIGHAM constitute the Local Board of Health, and the qualification for such membership, be the same as suggested in my report on the preliminary inquiry.

I have the honour to be,

My Lords and Gentlemen,

Your obedient Servant,

ALFRED L. DICKENS,

*Superintending Inspector.*

*The General Board of Health,*

*&c.      &c.      &c.*

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